

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 February 9, 2010 - 7:00 p.m.
5

6 Present: Mayor: Joe L. Johnson
7 Council Members: Beth Holbrook, John Marc Knight, R. Fred
8 Moss, Scott Myers and Thomas Tolman
9 City Attorney Russell Mahan
10 City Engineer: Paul Rowland
11 City Recorder: Kim J. Coleman
12 Planning Director: Aric Jensen
13 Department Reps: Allen Johnson, Power
14 Tom Ross, Police
15 Recording Secretary Nancy Lawrence
16

17 Excused: City Manager: Tom Hardy
18

19 Official Notice of this meeting had been given by posting a written notice of same and an
20 Agenda at the City Hall and providing copies to the following newspapers of general circulation:
21 Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice
22 Website.
23

24 Mayor Johnson called the meeting to order at 7:00 p.m, following which Nathan Clayton,
25 visiting Boy Scout, led the pledge of allegiance to the flag. Councilman Myers offered the
26 prayer/thought.
27

28 **APPROVAL OF MINUTES**

29 Minutes of the City Council meeting held January 26, 2010 were presented and approved
30 by a majority vote. Councilman Moss motioned for approval, Councilwoman Holbrook
31 seconded the motion. Councilpersons Holbrook, Moss, Myers and Tolman voted "aye";
32 Councilman Knight was not in attendance at the subject meeting and abstained from voting.
33

34 **EXPENDITURES AND EXPENSES APPROVED**

35 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000
36 for the following periods, with respective totals: January 14-20, 2010 (\$675,078.41); January 21-
37 27, 2010 (\$1,355,917.99); and the Summary of Expenditures for the Month of December, 2009
38 totaling \$3,539,718.70. Following a brief discussion, Councilman Tolman motioned to approve
39 the three reports as presented. Councilman Myers seconded the motion and voting was
40 unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
41

42 **YOUTH COUNCIL REPORT**

43 Jessica Blackhurst, Youth Council Liaison, reported that the Youth Council is preparing
44 to participate in the Utah State Leadership Conference on March 18-20 at Logan. They will be
45 conducting a mock meeting in competition. She noted that the meeting with the Legislature was

1 a success. Councilman Knight said that 19 members attended. They had a briefing by Mr.
2 Hardy, learned how everything “works” at the Capitol, and then heard from speakers Dale
3 Murphy (baseball player) and Rudy Giuliani, former Mayor of New York City.
4

5 **CRAIG WILSON RECOGNIZED ON RETIREMENT FROM**
6 **POWER DEPARTMENT**

7 Allen Johnson recognized Craig Wilson who is retiring from the Power Department
8 following 31 years of employment with the City. Mr. Wilson first worked with the Street
9 Department, then the Golf Course, and has been with the Power Department for the past 24
10 years. Mr. Johnson praised him for his keen ability to do load forecasting, helping to keep power
11 costs down. He said he has always been proud to have worked with Craig, a friend and
12 colleague, and wished him well on his retirement. The Mayor called on Mrs. Wilson for remarks
13 and she noted that when employees work shifts, there are many things that they miss out on with
14 family. She expressed appreciation to Craig for taking care of his family and said she is looking
15 forward to having more time with him.
16

17 Mr. Wilson expressed appreciation for the friendships that he made throughout many
18 departments and praised Mr. Hardy for the positive impact he has had on the City. He noted that
19 employees go out of their way to serve the community and it has been a wonderful place to work.
20 The Mayor then presented him with a gift certificate on behalf of the City.
21

22 **ADDITION TO TREE TRIMMING CONTRACT APPROVED**

23 Mr. Johnson reported that the Power Commission and staff are recommending that an
24 additional \$90,000 be approved for a second Asplundh tree crew for the period of March 1
25 through June 30, 2010 in an effort to get caught up with tree trimming needs. It is proposed that
26 this come from the contingency fund. Councilman Moss made a motion to this effect,
27 Councilman Knight seconded the motion and voting was unanimous. Councilpersons Holbrook,
28 Knight, Moss, Myers and Tolman voted “aye”.
29

30 **PERMANENT EASEMENT FOR KERN RIVER GAS**
31 **LINE APPROVED**

32 Mayor Johnson reviewed his concerns about the post-construction damages related to the
33 existing Kern River gas line and then noted that Kern River is requesting additional access across
34 three parcels owned by Bountiful City for the expansion of their natural gas line between Morgan
35 County and Salt Lake County. The property has been appraised, and based on the amount of
36 property and the extent to which the ground is going to be encumbered, the total compensation
37 proposed is \$34,958. He then expressed concern that this figure does not include anything for
38 post restoration work.
39

40 Doug Gibbons, Kern River project manager, was in attendance and reviewed the
41 extensive restoration and revegetation work which they plan to do. The proposed timeline for the
42 project is to start at both ends in September, 2011 and then complete the middle section toward
43 the end of the project at a time when revegetation efforts will be more favorable. He noted that

1 the Kern River application to FERC is in the process of being considered and a decision by
2 FERC is anticipated by mid-March 2010. Councilman Myers made a motion to accept the Kern
3 River offer of \$34,958 for the temporary and permanent easements and that the Mayor be
4 authorized to sign the easement documents. Councilman Moss seconded the motion which
5 carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
6

7 **PRELIMINARY AND FINAL COMMERCIAL SITE PLAN**
8 **APPROVAL GRANTED TO TECHNA GLASS - ELLIOT SMITH**

9 Mr. Jensen presented the request of Elliot Smith for preliminary and final site plan
10 approval for a 3,000 sq. ft. commercial building located at 460 West 400 North. He reviewed the
11 basic elements of this request and stated that it comes to the Council with a positive
12 recommendation from the Planning Commission and staff (based on the finding that it meets the
13 criteria of 14-2-304), and subject to the following conditions:
14

- 15 1. The landscaping plan and landscaping be completed to the satisfaction of the
16 Planning Director prior to final occupancy approval.
- 17 2. The relocation of the drive approach be approved by UDOT and Common Cents
18 (Moyle Petroleum).
- 19 3. The driveway cross-access easement be extended and recorded to cover the relocated
20 drive approach.
- 21 4. Any additional redline corrections be made prior to building permit approval.
22

23 Councilwoman Holbrook made a motion to grant preliminary and final approval, as
24 recommended. Councilman Tolman seconded the motion and voting was unanimous.
25 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
26

27 **ORD. NO. 2010-02 APPROVED VACATING EXISTING WINQUIST**
28 **CONDO PLAT AND APPROVING PROPOSED WINQUIST PUD**

29 Mr. Rowland reviewed that owners of condominiums are having a difficult time
30 obtaining financing and are requesting that the units be converted to PUD's for a more favorable
31 financing option. Based on this he presented the request of Cameron Winkvist to vacate the
32 condominium plat at 592 North Main and approve a PUD plat for the same property. He said
33 that the Planning Commission has reviewed this requests and it comes to the Council with their
34 positive recommendation, subject to the following conditions:

- 35 1. Submit the signed final mylar ready for utility signatures.
- 36 2. Submit a current title report.
- 37 3. Payment of fees as follows:
38 a. Checking Fee \$300
39 b. Recording Fee 40
40

41 Councilwoman Holbrook made a motion to approve Ordinance No. 2010-02, entitled AN
42 ORDINANCE VACATING THE WINQUIST CONDOMINIUMS PLAT IN BOUNTIFUL, DAVIS COUNTY, AND
43 RELEASING THE EASEMENTS THEREON, and to approve the owners request to convert to a PUD.
44 Councilman Moss seconded the motion which carried unanimously. Councilpersons Holbrook,
45 Knight, Moss, Myers and Tolman voted "aye".
46

**TRANSFER OF PROPERTY TO WASATCH INTEGRATED WASTE
MANAGEMENT DISTRICT (BURN PLANT) APPROVED**

Mr. Rowland reviewed that Bountiful City and Wasatch Integrated Waste Management District (burn plant) entered into an interlocal agreement in 2008 to allow for the withdrawal from the Burn Plant of properties located within Bountiful city limits. As one of the considerations for release of the properties, Bountiful agreed to transfer five acres of property to the District for potential use in the future as a transfer station. This matter has recently been visited and it is the staff recommendation that the Council accept the proposed property transfer (as described in an Interlocal Agreement for Withdrawal and Continuing Services) to fulfill the City obligations under the 2008 Interlocal Agreement, and authorize the Mayor to sign the Special Warranty Deed transferring these five acres.

Following a brief discussion, Councilwoman Holbrook made a motion to approve the property transfer, as presented. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

**FINAL CONDOMINIUM TO PUD PLAT APPROVAL GRANTED
TO TIERRA VISTA CONDOS, PHASE I AND II – 385 W 200 N**

Mr. Rowland noted that the circumstances prompting the request of Tierra Vista Condos to vacate the condo plat and be given PUD approval are the same as previously explained for the Winquist matter presented earlier in the meeting (page 3). The Tierra Vista request was reviewed by the Planning Commission and comes to the Council with a favorable recommendation to adopt Ordinance No. 2010-03 entitled AN ORDINANCE VACATING THE TIERRA VISTA PHASE 1 AND TIERRA VISTA PHASE 2 CONDOMINIUMS PLAT IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON and approve Tierra Vista PUD Plat for the same properties, with the following conditions:

1. Submit the signed final mylar ready for utility signatures.
2. Submit a current title report.
3. Payment of fees as follows:
 - a. Checking Fee \$1,700
 - b. Recording Fee 80

Councilwoman Holbrook made a motion to adopt Ordinance No. 2010-03 and approve the Tierra Vista PUD plat, as recommended. Councilman Myers seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

**SPECIAL EVENT PERMIT APPROVED FOR
ST. OLAF CATHOLIC SCHOOL**

Mr. Mahan presented the request of St. Olaf Catholic School for a Single Event Permit for Saturday, April 17, from 6:00 p.m. to 1:00 a.m. He explained that they will be holding their annual event where alcoholic beverages will be served and the single event permit is required by the Utah Department of Alcoholic Beverage control. It was noted that this permit has been issued for many years and there has never been a problem. Councilman Moss motioned for approval; Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

1 **PUBLIC HEARING TO CONSIDER REVISIONS TO TITLE 14;**
2 **BOUNTIFUL CITY LAND USE ORDINANCE**

3 Mr. Jensen explained that the Planning Department enacted an internal policy
4 approximately three years ago which provides for updating the Land Use Ordinance at the
5 beginning of each calendar year. This item is on tonight's agenda for the purpose of holding the
6 public hearing, discussing the items, and then referring it back to staff with recommendations.
7 He reviewed the proposed changes to the ordinance which are either technical or procedural and
8 are the results of revisions to State Law and recent judicial decisions. He also explained
9 proposed revisions that might constitute a change in policy, which included *Urban Agricultural*
10 *Uses, Accessory Buildings, and consolidation of Definitions.* *Group Homes* will be discussed at
11 the next meeting.
12

13 Mr. Jensen responded to questions from the Council and at 8:44 p.m. the Mayor opened
14 the public hearing regarding the proposed changes. Darren Perks (80 South 200 East) stated that
15 he came to hear the discussion on accessory dwelling units and mentioned a number of
16 "enormous detached garages" that he is aware of in the City. He stated that he supports the
17 recommendation of staff regarding height restrictions on accessory dwelling units.
18

19 The hearing was closed at 8:46 p.m. No action was taken on this matter and it will be
20 continued to a future meeting.
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22 **COUNCIL COMMITTEE REPORTS**

23 None
24

25 The meeting adjourned at 8:47 p.m. on a motion made by Councilman Moss and
26 seconded by Councilman Knight. Voting was unanimous with Councilpersons Holbrook,
27 Knight, Moss, Myers and Tolman voting "aye".
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33 _____
34 JOE L. JOHNSON, Mayor
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38 _____
39 KIM J. COLEMAN, City Recorder
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